IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34026 OF 2006(A)

PETITIONER:

M/S. OUR HOSPITALS LIMITED,
HAVING REGISTERED OFFICE AT THRISSUR ROAD,
IRINJALAKUDA, THRISSUR DISTRICT, REPRESENTED BY
ITS CHAIRMAN MR.T.K.RAPPAI.

BY ADV. SRI.M.A.FIROZ

RESPONDENTS:

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1. THE CHIEF MANAGER,
STATE BANK OF TRAVANCORE, IRINJALAKUDA,
THRISSUR DISTRICT-680 121.

2. THE ASSISTANT GENERAL MANAGER,
STATE BANK OF TRAVANCORE, PARAMEKKAVU TEMPLE,
THRISSUR.

3. THE DEBT RECOVERY TRIBUNAL (KERALA &
LAKSHADWEEP), VTH FLOOR, KSHB BUILDING,
PANAMPILLY NAGAR, ERNAKULAM.

S.C. SRI. M. PATHROSE MATHAI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY, DELIVERED THE FOLLOWING:

W.P.(C) 34026/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF LETTER OF COMPROMISE DATED 4.3.2004.
EXT.P2	PHOTO COPY OF NOTICE DATED 9.2.2005 ISSUED UNDER THE SECURITIZATION ACT.
EXT.P3	PHOTOCOPY OF LETTER DATED 30.4.2005 ISSUED BY THE BANK.
EXT.P4	PHOTOCOPY OF THE IRAC NORM OF RBI DATED 27.4.1992.
EXT.P5	THE TRUE COPY OF RBI CIRCULAR NO RBI/2005-06/153RPCD. PLNFS. BC NO. 39/06.2.31/205-06 DATED 3.9.2005.
EXT.P6	TRUE COPY OF THE APPLICATION DATED 10.6.2006 SUBMITTED TO THE RESPONDENT BANK.
EXT.P7	A TRUE COPY OF THE I.A. 1805/2006 IN S.A. NO. 41/2006 BEFORE D.R.T. ERNAKULAM.
EXT.P8	A TRUE COPY OF JUDGMENT DATED 10.7.2001 IN O.P. 30014/2001.
EXT.P9	TRUE COPY OF JUDGMENT DATED 3.2.2005 IN W.A. 186/2005.
EXT.P10	A TRUE COPY OF THE JUDGMENT DATED 3.7.2006 IN O.P. NO. 17209/2006.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN, J.

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W.P.(C) NO. 34026 OF 2006

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DATED THIS, THE 21ST DAY OF DECEMBER, 2006.

J U D G M E N T

The limited prayer made in this petition is for a direction to the Debt Recovery Tribunal, Ernakulam, to frame an issue regarding the entitlement and actual liability under any RBI OTS scheme.

2. Heard both sides. In the facts and circumstances, there will be a direction that appropriate issue shall be raised on the plea raised by the petitioner subject to the right of the respondents to file additional written statement on the issue.

With the above direction the writ petition is disposed of .

P.R. RAMAN,
(JUDGE)